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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kenneth H. Grabstein et al.
Application No. : 09/724,841
Filed : November 28, 2000
For : POLYNUCLEOTIDES ENCODING EPITHELIUM-DERIVED T-CELL
FACTOR AND USES THEREOF

Examiner : Prema Maria Mertz
Art Unit : 1646
Docket No. : 66033-10/2811-H
Date : June 29, 2004

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

nucleotides in length are disclosed at page 27, lines 28-30. This language clearly encompasses the lengths in between including 20-75 nucleotides in length. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

4. Claims 20-30 and 34-35 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Claim 20 is allegedly confusing for stating "in length from SEQ ID NO:1." The Examiner suggested amending the claim to recite the format including (a), (b), (c) and (d) shown at page 4 of the Office Action, and the applicants have amended claim 20 and claim 28 to conform to the Examiner's request. Regarding claim 34, the Examiner stated the term "any combination thereof" is vague and indefinite and applicants submit that the claim as amended is not subject to this ground of rejection. In view of the amendments, applicants submit that claims 21-27, 29-30 and 35, which depend from the rejected claims, are not indefinite.

5. Claims 20-22, 26-27, 34 and 35 are rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. (1991). The Examiner states that nucleotides 51-63 of the mouse CRBPI cDNA are 100% identical to nucleotides 1-13 of SEQ ID NO:1 of the present application. The Examiner concludes that the reference meets the limitations of the nucleic acid of at least 12 contiguous nucleotides in length from SEQ ID NO:1 and anticipates 20-22, 26-27, 34 and 35. Claim 20 as amended is supported by the specification at, for example, page 27, lines 24-28 ("sequences which are highly specific" for the target sequences, and should not form duplexes with other regions of DNA). Applicants submit that in view of the current amendment, which provides for specific binding to nucleic acids of the invention and would therefore exclude the polynucleotide of Smith et al., the rejection may be withdrawn.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,
Kenneth H. Grabstein et al.
DAVIS WRIGHT TREMAINE LLP


By _____
Jane E. R. Potter
Registration No. 33,332



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PTO/SB/22 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 66033-10/2811-H
In re Application of Kenneth H. Grabstein et al.		
Application Number 09/724,841		Filed November 28, 2000
For POLYNUCLEOTIDES ENCODING EPITHELIAL-DERIVED T-CELL FACTOR AND USES THEREOF		
Art Unit 1646		Examiner Prema Maria Mertz

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 110
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.	
<input type="checkbox"/> A check in the amount of the fee is enclosed.	
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.	
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account.	
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>04-0258</u> .	
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account Number <u>04-0258</u> .	

I have enclosed a duplicate copy of this sheet.

I am the applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

attorney or agent of record.

attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a)33,332.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

December 8, 2004

Date

Signature

206-628-7650

Telephone Number

Jane E. R. Potter

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.